

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 19-CR-151

OSCAR ALONSO,

Defendant.

ORDER DENYING SENTENCE MODIFICATION

On September 15, 2021, Defendant Oscar Alonso entered a plea of guilty to the crime of conspiracy to distribute and possess with intent to distribute at least 1 kilogram of heroin, 5 kilograms or more of cocaine, and 50 grams or more of actual methamphetamine. On December 21, 2021, the court imposed the mandatory minimum sentence of 120 months, along with 5 years of supervised release and the mandatory special assessment of \$100.00. On January 16, 2024, Alonso filed a pro se motion to reduce his sentence. He argues that, under the Amendment to the Guidelines which apply retroactively, his criminal history score would be a category II instead of a category III. Although he concedes that, having received the mandatory minimum sentence of 10 years, he is not entitled to a sentence reduction, he argues that changing his criminal history score may benefit him for early home confinement.

Alonso's motion is denied. As he concedes, the court has no authority to reduce his sentence from the mandatory minimum 10-year term that was imposed. A motion for a sentence reduction is not a vehicle for changing a criminal history category that does not otherwise affect his sentence. Certainly, Alonso may argue to the Bureau of Prisons that his actual criminal history

under the new Guidelines is less than originally determined. The Bureau of Prisons may take that into consideration, but this court has no role in determining when and if the defendant will receive early home confinement. For these reasons, the motion is denied.

Dated at Green Bay, Wisconsin this 17th day of January, 2024.

s/ William C. Griesbach
William C. Griesbach
United States District Judge